

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRIAN PETEREIT,

*Plaintiff,*

25 Civ. 03780 (JS)(LGD)

– against –

A

KINGS POINT AUTO LLC,

*Defendant.*

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**AFFIRMATION IN SUPPORT OF  
REQUEST FOR CERTIFICATE OF DEFAULT**

I, David M. Kasell, an attorney admitted to practice before this Court, affirms pursuant to 28 U.S.C. § 1746 and under penalty of perjury as follows:

1. I am counsel for plaintiff Brian Petereit in this action. I submit this affirmation in support of plaintiff's request for entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1.

2. On July 8, 2025, plaintiff filed the Complaint against Kings Point Auto LLC, seeking damages of approximately \$139,000 arising from a contract dispute. (ECF No. 1.)

3. A Summons was issued by the Clerk on July 17, 2025. (ECF No. 7.)

4. On September 24, 2025, defendant Kings Point Auto LLC was duly served with the Summons and Complaint through the New York Secretary of State, as reflected in the Affidavit of Service filed October 4, 2025. (ECF No. 9.)

5. Pursuant to Rule 12(a)(1)(A)(i), defendant's response was due on or before October 15, 2025.

6. To date, defendant has not answered, moved, or otherwise appeared in this action, and the time for it to do so has expired.

7. Defendant is a limited liability company and therefore not an infant, incompetent person, or member of the armed forces within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. § 3931.

8. Accordingly, plaintiff respectfully requests that the Clerk of Court enter the default of Kings Point Auto LLC pursuant to Rule 55(a).

9. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 20, 2025  
Long Island City, New York

Respectfully submitted,

KASELL LAW FIRM

By: /s/ David M. Kasell

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*Attorney for Plaintiff Brian Petereit*